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Docket No.  
ITL.0315US

In Re Application Of: David B. Kinder, et al.

Application No. 09/515,272	Filing Date February 29, 2000	Examiner James R. Sheleheda	Customer No. 21906	Group Art Unit 2623	Confirmation No. 1987
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Invention: Providing a Viewer Incentive with Video Content

COMMISSIONER FOR PATENTS:

Transmitted herewith is the Appeal Brief in this application, with respect to the Notice of Appeal filed on:

November 2, 2006

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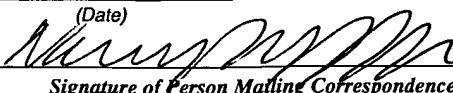
Dated: November 16, 2006

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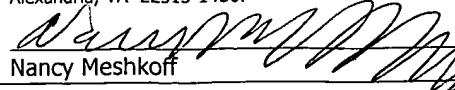
THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: §  
David B. Kinder, et al. § Art Unit: 2623  
§  
Serial No.: 09/515,272 § Examiner: James R. Sheleheda  
§  
Filed: February 29, 2000 § Atty Docket: ITL.0315US  
§ (P7998)  
For: Providing a Viewer Incentive §  
with Video Content § Assignee: Intel Corporation  
§

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**APPEAL BRIEF**

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## **REAL PARTY IN INTEREST**

The real party in interest is the assignee Intel Corporation.

**RELATED APPEALS AND INTERFERENCES**

None.

## **STATUS OF CLAIMS**

Claims 1-3 (Rejected).

Claim 4 (Canceled).

Claims 5-21 (Rejected).

Claims 22-27 (Canceled).

Claims 1-3 and 5-21 are rejected and claims 1-3, 9, 12-15, and 19-20 are the subject of this Appeal Brief.

## **STATUS OF AMENDMENTS**

All amendments have been entered.

## **SUMMARY OF CLAIMED SUBJECT MATTER**

The claims specifically cover the display of a particular portion of an overall image prior to display of the entire portion. The portion which is displayed first is that portion of an image that has already been earned. It is already earned based on viewing time.

In the following discussion, the independent claims are read on one of many possible embodiments without limiting the claims:

1. A method comprising:

transmitting video content (specification at page 6, line 25-page 7, line 9);

transmitting partial, incomplete portions of a complete viewer incentive image over time in association with said content, such that the portions of said image accumulate depending on viewing time to form said complete image (Figure 2, specification at page 7, line 24-page 8, line 19); and

enabling said partial incomplete portions to be displayed and viewed without displaying the complete incentive image, the extent of said incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content (Figure 2, specification at page 7, line 24-page 8, line 19).

12. A computer readable medium storing instructions that, when executed by a processor-based system, enable the processor-based system to:

transmit video content (specification at page 6, line 25-page 7, line 9);

transmit incomplete, incentive image portions of a viewer incentive image in association with said video content, such that said image portions accumulate depending on viewing time (Figure 2, specification at page 7, line 24-page 8, line 19); and

enable said portions to be displayed without displaying the complete incentive image, the extent of the incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content (specification at page 7, line 24-page 8, line 19).

19. A system comprising:  
a video content receiver (Figure 1, 13);  
an ancillary content receiver (Figure 1, 15); and  
a transmitter (Figure 1, 12) to transmit video content and ancillary information and transmit image portions of a viewer loyalty incentive image over time so that said portions accumulate based on viewing time to create said incentive image, and said portions being viewable without viewing the complete incentive image, the portion of the complete incentive image in the form of said image portions that is viewable by the user being dependent on the amount of time spent viewing said video content (specification at page 7, line 4-page 8, line 19).

At this point, no issue has been raised that would suggest that the words in the claims have any meaning other than their ordinary meanings. Nothing in this section should be taken as an indication that any claim term has a meaning other than its ordinary meaning.

**GROUNDΣ OF REJECTION TO BE REVIEWED ON APPEAL**

A. Whether claims 1-3, 9, 12-15, and 19-20 are unpatentable under 35 U.S.C. § 103(a) over Dedrick (US 5,604,542) in view of the PNG Specification (Portable Network Graphics Specification, Version 1.0, 05-1997).

## **ARGUMENT**

### **A. Are claims 1-3, 9, 12-15, and 19-20 unpatentable under 35 U.S.C. § 103(a) over Dedrick (US 5,604,542) in view of the PNG Specification (Portable Network Graphics Specification, Version 1.0, 05-1997)?**

Claim 1 calls for transmitting two things. The first thing is video content. The second thing is partial, incomplete portions of a complete viewer incentive image over time in association with said content. Thus, there are two different things because the image must be transmitted in association with the video content.

Moreover, the image must be of a specific nature. Namely, it must accumulate “depending on viewing time to form said complete image” and, more specifically as set forth in the third clause of the claim, the portion of the incomplete image that is displayed is “dependent on the time spent viewing video content.” Thus, the image that is displayed must be different from the video content, but it must also represent time spent viewing the video content.

The office action contends that Dedrick teaches displaying an advertisement which may be a redeemable coupon. However, it is conceded that Dedrick does not disclose “enabling the partial and complete portions to be displayed and viewed without displaying the complete incentive image, the extent of the image that is displayed being dependent on the time spent viewing the video content.” See top four lines of page 3 of the final rejection.

To attempt to meet this missing element, the PNG material is cited. The office action suggests that PNG teaches serial streaming and progressive display of image data. The reference itself calls what it does the ability to fade in the entire image with “gradual improvement in detail.”

It is asserted that PNG teaches the ability to “display a partial, incomplete image as it is received over time.” However, it is never explained how the PNG reference teaches displaying, in particular, those portions earned by viewing. Most certainly, PNG does not remedy the deficiency in Dedrick since it too does not specifically teach displaying first the earned portions.

The Examiner is attempting to read the claim on a reference which simply progressively streams video data. He argues that the amount of the image that is seen is dependent on the time spent viewing because the information is progressively scanned and, therefore, the longer you watch it the more you would see. Of course, the problem with this analysis is that the

Examiner's position is directed to the wrong video information. The Examiner is treating the streaming video as the incentive image. He can do that, but then he has a problem. The problem arises because now the amount of the information that is displayed is displayed based on the time spent watching the asserted incentive image, not the time spent viewing the separate video content.

In other words, the reference does not teach progressively displaying portions of one image based on time spent viewing something else. As a result, rejection could not be supported under any reading of the claim or the reference and, therefore, the rejection should be reversed.

The asserted rationale to modify is that one would modify Dedrick with the progressive display of the PNG specification "to provide the user with a meaningful display much more rapidly." This rationale does not reach the claimed limitations. If one wanted to display more rapidly, one would progressively display the overall image with increasing detail.

Requiring that the earned portion (rather than the overall image) be displayed first most certainly delays the rapidity with which the overall image would be presented. In other words, requiring the user to earn by viewing in order to see the entire image necessarily delays image overall presentation. Therefore, a reference which teaches increasing the rapidity of overall image display, necessarily teaches away from the claimed invention.

Moreover, neither reference or their combination (or any motivation asserted to date) gives any reason why one would display first the earned portion of less than all of the image. For either or both of these reasons, it cannot be said that a *prima facie* rejection is made out.

Therefore, the rejection should be reversed.

Applicant respectfully requests that each of the final rejections be reversed and that the claims subject to this Appeal be allowed to issue.

Respectfully submitted,

Date:

11/15/06

  
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## **CLAIMS APPENDIX**

The claims on appeal are:

1. A method comprising:
  - transmitting video content;
  - transmitting partial, incomplete portions of a complete viewer incentive image over time in association with said content, such that the portions of said image accumulate depending on viewing time to form said complete image; and
  - enabling said partial incomplete portions to be displayed and viewed without displaying the complete incentive image, the extent of said incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content.
2. The method of claim 1 wherein transmitting portions of a viewer incentive image in association with said content includes transmitting said viewer incentive image portions together with said video content.
3. The method of claim 1 wherein transmitting video content includes transmitting video programming together with ancillary information and transmitting said viewer incentive image portions as part of said ancillary information.
9. The method of claim 1 further including parsing enhanced content from the video content and parsing an incentive from said enhanced content.
12. A computer readable medium storing instructions that, when executed by a processor-based system, enable the processor-based system to:
  - transmit video content;
  - transmit incomplete, incentive image portions of a viewer incentive image in association with said video content, such that said image portions accumulate depending on viewing time; and

enable said portions to be displayed without displaying the complete incentive image, the extent of the incomplete image that is displayed in the form of said portions being dependent on the time spent viewing video content.

13. The computer readable medium of claim 12 further storing instructions that cause a processor-based system to transmit said viewer incentive image portions together with said television content.

14. The computer readable medium of claim 12 further storing instructions that cause a processor-based system to transmit video programming together with ancillary information and transmit said viewer incentive image portions as part of said ancillary information.

15. The computer readable medium of claim 12 further storing instructions that cause a processor-based system to progressively provide an image portion of an overall incentive image which may be earned by those viewers who view programming for a given amount of time.

19. A system comprising:

a video content receiver;

an ancillary content receiver; and

a transmitter to transmit video content and ancillary information and transmit image portions of a viewer loyalty incentive image over time so that said portions accumulate based on viewing time to create said incentive image, and said portions being viewable without viewing the complete incentive image, the portion of the complete incentive image in the form of said image portions that is viewable by the user being dependent on the amount of time spent viewing said video content.

20. The system of claim 19 wherein said transmitter transmits the ancillary information and video content together.

## **EVIDENCE APPENDIX**

None.

**RELATED PROCEEDINGS APPENDIX**

None.